

United States Senate

WASHINGTON, DC 20510

April 10, 2008

The Honorable Elaine L. Chao
Secretary
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and
Human Services
200 Independence Avenue, S.W.
Washington, DC 20210

Dear Secretary Chao and Secretary Leavitt:

In light of the National Institute for Occupational Safety and Health's Advisory Board meeting this week, I write today to encourage your active oversight of the Energy Employees Occupational Illness Program (EEOICP) to ensure that the EEOICP and its component organizations have the resources and support to meet the needs of the former energy worker community. The former employees and their survivors at the Mound Plant (Mound) and the Feed Materials Production Center (Fernald) in Ohio have endured significant delays and unjustifiable obstacles as they seek redress for occupation-related illnesses.

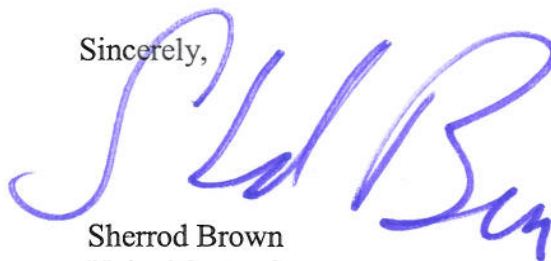
Dose reconstructions and SEC petitions deserve careful evaluation and I applaud the Advisory Boards efforts to thoroughly investigate the merits of each request they receive. However, we must be sure that rulings are not unnecessarily delayed or that the default ruling is biased against claimants. Needless delays and an unjustifiably narrow interpretation of laws intended to protect Americans subjected to extraordinary health risks undermine claimants' confidence in the program and are contrary to its purpose.

Furthermore, I believe that a prompt ruling in favor of Fernald and Mound SEC petitions (petitions #0046 and #0090, respectively) would better fulfill the true intentions of the EEOICP. I have submitted letters in support of both petitions encouraging the Advisory Board to grant SEC status to all former workers and their survivors at the Mound and Fernald facilities. As it stands, SEC status has only been granted to a limited number of former Mound employees.

I encourage you to take an active role to ensure that your EEOICP has the leadership, support, and resources necessary to promptly execute its mission. This program was created to fulfill our obligations to former energy worker community in a "timely, uniform, and adequate" manner. The former workers of the Mound and Fernald facilities deserve a timely, fair, and accurate ruling and they deserve your effort and attention to ensure that occurs.

I look forward to your responses and the results of your inquiries.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Brown", written in a cursive style.

Sherrod Brown
United States Senator